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Notice of Allowability	Application No.	Applicant(s)	
	09/858,382	MEIER ET AL.	
	Examiner	Art Unit	
	AHMED ELALLAM	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 9/8/2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney John P. Cornely on September 30, 2005.

The application has been amended as follows:

In the claims:

In claim 1, line 3, "allocated;" has been changed to --allocated from a set of code families, each family being designated by a different root code of the same size that is the smallest size within the family;--

In claim 6, line 7, "sizes;" has being changed to --sizes, wherein said Walsh code families are designated by different root codes of the same size that is the smallest size within each family;--

In claim 14, line 7, the term "largest" has been changed to --smallest--

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

The prior art of records fail to teach or suggest singularly or in combination the following:

A method of allocating CDMA codes from a set thereof for use in connection with a wireless network, the method comprising (inter alias): identifying a desired size of a code to be allocated from a set of code families, each family being designated by a different root code of the same size that is the smallest size within the family, determining if there exists a code of the desired size whose sibling is unavailable, allocating a code of the desired size whose sibling is unavailable based on the determination that a code exists of the desired size whose sibling is unavailable, determining if there exists a code of smaller than the desired size whose sibling is unavailable based on the determination that no code exist of the desired size whose sibling is unavailable, identifying a code of smaller than the desired size whose sibling is unavailable based on the determination that no code exists of smaller than the desired size whose sibling is unavailable, and allocating a code of the desired size which is a descendant of the identified smaller code whose sibling is unavailable , as indicated in independent claim 1.

A Walsh code allocator for use in connection with a wireless telecommunications network, the allocator comprising (inter alias): determination means for choosing, based on a received request for a Walsh code, a Walsh code family from which the Walsh code is to be selected, the determination means choosing from a plurality of different Walsh code families which each include a plurality of Walsh codes of at least two different sizes, wherein the Walsh code families are designated by different root codes of the same size that is the smallest size within each family, selection means for

selecting from the chosen family, a Walsh code that is mutually orthogonal to Walsh codes which are currently busy, and such that an allocation of the selected Walsh code results in blocking a minimum number of Walsh codes not already blocked, and allocation means for outputting from the allocator at least one of: the selected Walsh code when a Walsh code is selected by the selection means, and an indication that a Walsh code suited to the request received is not available for allocation, as indicated in independent claim 6.

A method of allocating a set of codes used to distinguish and isolate air interface channels of a wireless telecommunications network, the method comprising (inter alias): dividing the set of codes into a plurality of families such that each family includes a plurality of codes, wherein each of the codes has a size and at least two codes in each family have different sizes, the families each being designated by a different root code of the same size that is the smallest size within the set, choosing a family from which a code is to be selected based on a received request for a code of a desired size, identifying a fragmented code in the chosen family provided one exists, selecting a code in the chosen family based on the identified fragmented code, and if no fragmented code was identified making no selection, as indicated in independent claim 14.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMED ELALLAM
Examiner
Art Unit 2662
9/30/2005



HASSAN KIZOU
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